

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES EDWARD CARLTON,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

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CIVIL ACTION NO. 12-393-KD-N

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 and dated November 8, 2012 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action is **DISMISSED without prejudice** for failure to prosecute and failure to comply with the orders of the Court.

DONE and ORDERED this the **5th** day of **December 2012**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE